IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.2082 OF 2004

Balkrishna Mahadev Jundhale ..Petitioner.

Vs.

Zilla Parishad Solapur & Orfs. ..Respondents.

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Mr.Siddharth Karpe h/f Ms.Varsha Palav for the Petitioner.

Mr.Nitin Jamdar for the Respondents.

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CORAM : DR.D.Y.CHANDRACHUD, J.

16th March, 2006.

P.C. :

The Trial Court has declined to grant an interim mandatory injunction. The Petitioner was appointed as an Assistant Teacher at the Zilla Parishad, Solapur initially and in 1995 he was appointed as the head of the centre, at Manjari, Taluka Sangola, District Solapur. The Petitioner was initially transferred from Manjari to Katfal

which is at a distance of 40 km. But subsequently he was directed to report to Kidbisari. The Petitioner, instead of reporting to work at the place of transfer filed a suit and obtained an order of injunction. Subsequently, the Petitioner moved an application claiming that there was a breach of the order of injunction, but the application filed by the Petitioner came to be dismissed on 29th April, 2002 An appeal was dismissed on 5th April, 2003. The Petitioner once again moved an application for interim mandatory relief which came to be rejected on 17th April, 2003. Even at this stage, counsel appearing for the Petitioner was called upon to state as to whether the Petitioner would be willing to report to the place of transfer without prejudice to his rights and contentions in the suit. The Petitioner is not willing to do so. In this view of the matter, no case is made out to exercise the extra-ordinary jurisdiction against the purely interlocutory order of the Learned Trial Judge. The Petition is accordingly dismissed. It is need less to add that all the rights and contentions will be decided in the pending suit.

However, having regard to the facts of the present case, the trial of Regular Civil Suit 222 of 2001 pending before the Civil Judge, Junior Division, Sangola is expedited. The Trial Court is requested to dispose of the suit expeditiously preferably by the end of 31st July, 2006.